

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: JUUL LABS, INC. MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION	Case No. 19-md-02913-WHO
THIS DOCUMENT RELATES TO:  Ashlynn Nessmith,  Plaintiffs,  v.  JUUL Labs, Inc., Altria Group, Inc., Philip Morris USA, Inc., Altria Client Services, Altria Group Distribution Company, Altria Enterprises LLC, James Monsees, Adam Bowen, Nicholas Pritzker, Hoyoung Huh, and Riaz Valani,  Defendants.	<b>MOTION TO SUBSTITUTE PARTIES AND FOR LEAVE TO FILE THE PROPOSED AMENDED COMPLAINT</b>

Erin Nessmith and Jared Nessmith are the parents and duly appointed Personal Representatives of the Estate of Ashlynn Nessmith, and are filing this Motion to Substitute Parties and for Leave to File the Proposed Amended Complaint pursuant to Fed. R. Civ. P. 15 and 25, and in support thereof state as follows:

1. Within ninety (90) days of the filing of a Suggestion of Death, any party or the decedent's successor or representative may move to substitute the decedent representative as the party to the action where the claim is not extinguished. See Fed. R. Civ. P. 25(a)(1).

2. Plaintiff, Ashlynn Nessmith, died on July 27, 2024.

3. Defendant Juul Lab Inc. filed a Suggestion of Death Upon the Record on September 13, 2024. *See* Suggestion of Death (attached hereto as "**Exhibit A**").

4. Erin Nessmith and Jared Nessmith are the surviving parents of the decedent, Ashlynn Nessmith.

1           5.       On October 2, 2024, the Twelfth Judicial Circuit in and for Sarasota County,  
2 Florida appointed Erin Nessmith and Jared Nessmith as the Personal Representatives of the  
3 Estate of Ashlynn Nessmith. *See* Letters of Administration (attached hereto as “**Exhibit B**”).

4           6.       Erin Nessmith and Jared Nessmith, as the surviving parents of Ashlynn Nessmith,  
5 and as the Personal Representatives of the Estate of Ashlynn Nessmith, are the proper plaintiffs  
6 to proceed in this action.

7           7.       Accordingly, Erin Nessmith and Jared Nessmith, as the surviving parents of  
8 Ashlynn Nessmith, and as the Personal Representatives of the Estate of Ashlynn Nessmith, seek  
9 leave to amend the Complaint to plead a wrongful death action and an alternative survival action.  
10 A proposed Amended Complaint is attached hereto as “**Exhibit C**”.

11           WHEREFORE, Erin Nessmith and Jared Nessmith respectfully request an Order  
12 granting the underlying Motion to Substitute Parties and for Leave to File the Proposed Amended  
13 Complaint.  
14

15  
16 DATED: October 25, 2024

Respectfully submitted,

17 /s/ Sarah J. Foster

18 Sarah J. Foster, Esq.

19 Jeffrey L. Haberman, Esq.

**SCHLESINGER LAW OFFICES, P.A.**

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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 25, 2024, I served a copy of the foregoing on the Clerk of Court by CM/ECF, which will provide automatic notification to all parties and counsel of record.

By: /s/ Sarah J. Foster  
Sarah J. Foster